

1982 WL 189129 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 7, 1982

***1 Re: Deposit of Donations Made to Regional Mental Health Clinics**

Mr. James H. Windham
Deputy State Treasurer
P. O. Box 11778
Columbia, South Carolina 29211

Dear Mr. Windham:

You have inquired as to whether funds received by a regional mental health clinic must be deposited with the State Treasurer or in such bank or banking institution as shall be designated by the State Treasurer. In an unpublished opinion to the State Auditor, this Office advised that a regional mental health clinic is a 'quasi-state agency' whose funds are subject to state regulation. (Letter Opinion, dated January 28, 1980, a copy attached hereto.) The 1981 Appropriations Act, Act No. 178, Part I, Section 131, provides inter alia:

That donations and contributions from sources other than the Federal Government, for use by a state agency, shall be deposited in the State Treasury, but in special accounts, and shall be withdrawn from the treasury as needed to fulfill the purposes and conditions of said donations, or contributions, if specified, and, if not specified, as may be directed by the proper authorities of the department.

This provision is consistent with Section 11-13-30 which authorizes the State Treasurer to invest and deposit all funds 'from any source.' Moreover, a review of Section 44-15-10, et seq., South Carolina Code of Laws (1976), does not reveal any provision that specifically exempts regional mental health clinics from the requirements of Act No. 178 of 1981 and Section 11-13-30 and such exemption to general law could not be made by agency regulation.

Therefore, it is the opinion of this office that all donations and contributions to regional mental health clinics must be deposited with the State Treasurer or in such accounts as may be designated by him.

Very truly yours,

Richard B. Kale, Jr.
Senior Assistant Attorney General

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